

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (DAYTON)**

SHEETZ, INC., <i>et al.</i> ,	:	Case No. 3:24-cv-00059
	:	
Plaintiffs,	:	District Judge Michael J. Newman
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
CITY OF CENTERVILLE, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER FOR SUPPLEMENTAL BRIEFING

This matter is before the Court upon Plaintiffs’ Motion to Disqualify Mark Chilson as Counsel of Record for Defendant Epiphany Evangelical Lutheran Church (“Motion to Disqualify,” Doc. No. 13). The parties have briefed the issue of whether Attorney Chilson should be disqualified under Rule 3.7(a) of the Ohio Rules of Professional Conduct. They have not, however, briefed the related but separate issue of whether disqualification is required by the unsworn witness rule. *See, e.g., U.S. v. Matsa*, 540 F. App’x 520, 523 (6th Cir. 2013); *U.S. v. Evanson*, 584 F.3d 904, 909 (10th Cir. 2009); *U.S. v. Locascio*, 6 F.3d 924, 933 (2d Cir. 1993).

Accordingly, the Court requests supplemental briefing on the issue of whether the unsworn witness rule disqualifies Attorney Chilson from representing his client in his matter. Plaintiffs shall have **fourteen (14) days** from the date of this Order to submit a supplemental brief, if they so choose. Defendants shall have **twenty-one (21) days** from the date of this Order to submit a supplemental brief, if they so choose.

IT IS SO ORDERED.

/s/ Caroline H. Gentry

Caroline H. Gentry
United States Magistrate Judge